

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In the Matter of)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Breckenridge, TX))

MM Docket No. 99-_____

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

JUN 14 1999

FCC (B) 11-111

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.401, Breckenridge Radio Broadcasting Company respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add channel 261A at Breckenridge, TX.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating channel 261A to Breckenridge, TX, as that community's first competing FM broadcast transmission service. Breckenridge is the county seat of historic Stephens County Texas, with 1990 Census population of 5,665. It has its own school district, its own police and fire departments, and its own post office. Like other "communities" to which the FCC has allotted a local FM service, Breckenridge has numerous local churches, a local hospital, a local library, a local newspaper, 537 commercial business establishments, a Chamber of Commerce, three local banks and a local airport.

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PRIORITY
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Attached hereto is an engineering report, which contains a channel study confirming that channel 261A can be allocated to Breckenridge, TX consistent with the FCC's separation rules. See Appendix A.

Allotment of channel 261A to Breckenridge, TX would provide that community with its first competing FM transmission service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, should this Petition be granted, and channel 261A be allotted to Breckenridge, TX, Petitioner will apply for channel 261A and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

June 10, 1999

Counsel for Breckenridge Radio
Broadcasting Company

**ENGINEERING STATEMENT
IN SUPPORT OF
PETITION FOR RULE MAKING**

June 9, 1999

Breckenridge Radio Broadcasting Co.
FM Channel 261A □ 100.1 Megahertz
Breckenridge, Texas



LAWRENCE L. MORTON ASSOCIATES
2867 BELDEN DRIVE
HOLLYWOOD HILLS, CALIFORNIA 90068-1901
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ENGINEERING STATEMENT

The information and data contained within this engineering statement were prepared on behalf of Breckenridge Radio Broadcasting Co., in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 261A to Breckenridge, Texas.

I. BRECKENRIDGE, TEXAS

Breckenridge is a city located near the center of Stephens County, Texas. The 1990 U.S. Census population of Stephens County was 9,010 persons. Breckenridge had a 1990 U.S. Census population of 5,665 persons, and is assigned ZIP Code 76424 by the U.S. Postal Service. Currently, Breckenridge has one FM and one daytime AM aural broadcast service. The Census Bureau centroid geographical coordinates of Breckenridge, referenced to the North American Datum of 1927, are:

North Latitude: 32 degrees, 45 minutes, 24 seconds
West Longitude: 98 degrees, 54 minutes, 45 seconds

Because of existing station KLUR(FM) on Channel 260C1 at Wichita Falls, a site restriction is required for the Channel 261A allotment at Breckenridge. At a point corresponding to the following geographic coordinates, which is 0.9 kilometers south, southwest of Breckenridge, the Channel 261A allotment can be made at Breckenridge in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 32 degrees, 44 minutes, 56 seconds
West Longitude: 98 degrees, 54 minutes, 55 seconds

From these reference geographic coordinates, Channel 261A is fully-spaced to all FCC assignments, allotments and proposals contained within the latest **FCC FM Engineering Database**. Figures one through three show the relative locations of Stephens County within the State of Texas, and of the city of Breckenridge within Stephens County. Figure three shows the city limits of Breckenridge taken from the 1997 Census TIGER files.

II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 261A. For clarity, only the most stringent class/distance combinations on each relevant channel are shown.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 261A allotment reference site proposed for Breckenridge. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

ALLOCATION-PERTINENT STATIONS AND SPACING REQUIREMENTS OF § 73.207					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
KNON	207-C1	32° 35' 24"	96° 58' 21"	183. Km	22. Km
KPBE	207-A	31° 47' 43"	98° 49' 07"	106	10
KMOC	208-C3	33° 54' 04"	98° 32' 21"	133	12
KYQX	208-A	32° 45' 06"	97° 48' 06"	104	10
KMFA	208-C1	30° 19' 20"	97° 48' 03"	289	22
KPLX	258-C	32° 34' 54"	96° 58' 32"	183	95
KBCY	259-C1	32° 24' 39"	100° 06' 26"	118	75
WACO-FM	260-C	31° 20' 15"	97° 18' 37"	218	165
KLUR	260-C1	33° 54' 04"	98° 32' 21"	133	133
KYZZ	261-C2	31° 29' 46"	100° 28' 39"	203	166
ALLOC	261-C1	36° 20' 40"	99° 28' 00"	403	200
KRBV	262-C	32° 35' 05"	96° 57' 46"	184	165
ALLOC	263-C	32° 21' 57"	100° 02' 58"	115	95
KORQ-FM	264-C	32° 24' 47"	100° 06' 24"	118	95

III. CONCLUSIONS

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Breckenridge Radio Broadcasting Co., respectfully requests the following changes to the Table:

<u>CITY</u>	<u>PRESENT</u>	<u>CHANNEL</u>
Breckenridge, TX		228C2

	<u>PROPOSED</u>	
<u>CITY</u>		<u>CHANNEL</u>
Breckenridge, TX		228C2, 261A

The petitioner asserts that, upon allotment of Channel 261A to Breckenridge and the lifting of the present freeze on new applications, an application for construction permit to build a new Class A facility will be filed promptly to serve Breckenridge, Texas.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
June 9, 1999



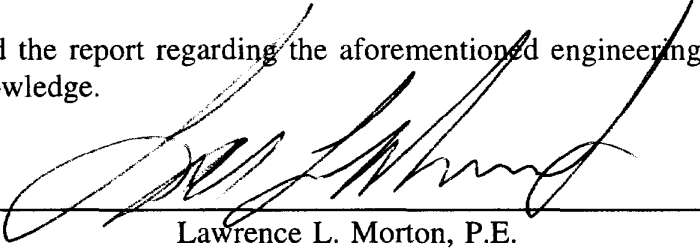
AFFIDAVIT

State of California)
) ss:
County of Los Angeles)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: June 9, 1999

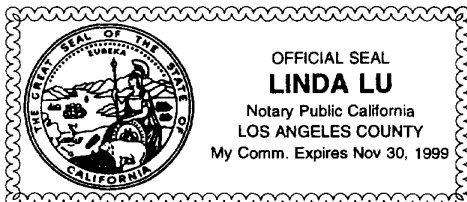

Lawrence L. Morton, P.E.

On June 9, 1999, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99



Notary Public



Lambert Azimuthal Equal-Area

2° 00' 00" Graticule Spacing

State of Texas

Stephens County

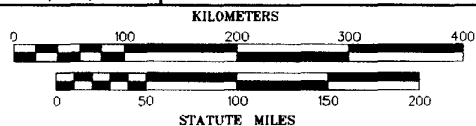
Gulf of Mexico

CENTER OF MAP:

N LAT 31° 20' 56.00"
W LON 99° 39' 55.00"

Scale 1 : 6,642,985

FIGURE 1
COUNTY OF STEPHENS
STATE OF TEXAS
BRECKENRIDGE RADIO BROADCASTING CO.



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Telecommunications Engineers
Hollywood Hills, California

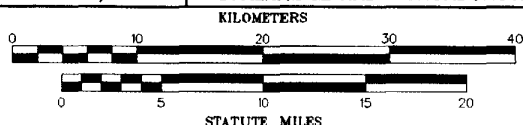
Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing

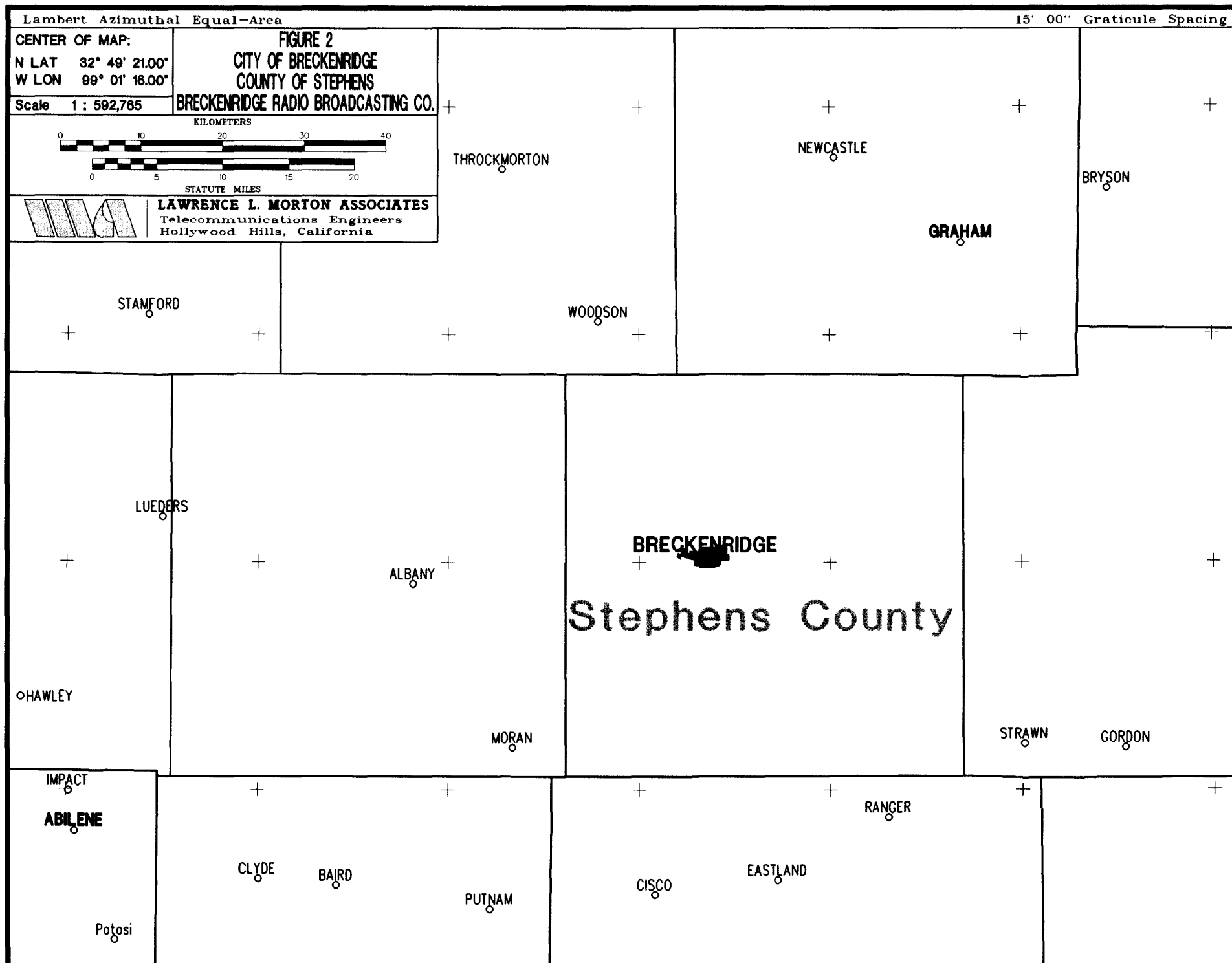
CENTER OF MAP:
N LAT 32° 49' 21.00"
W LON 99° 01' 16.00"

FIGURE 2
CITY OF BRECKENRIDGE
COUNTY OF STEPHENS
BRECKENRIDGE RADIO BROADCASTING CO.

Scale 1 : 592,765



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Lambert Azimuthal Equal-Area

2' 30" Graticule Spacing

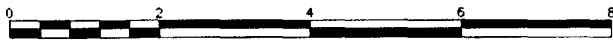
CENTER OF MAP:

N LAT 32° 45' 46.00"
W LON 98° 55' 44.00"

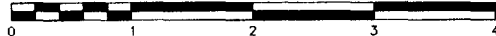
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FIGURE 3
CITY OF BRECKENRIDGE
AND 1990 U.S. CENSUS BLOCKS
BRECKENRIDGE RADIO BROADCASTING CO.

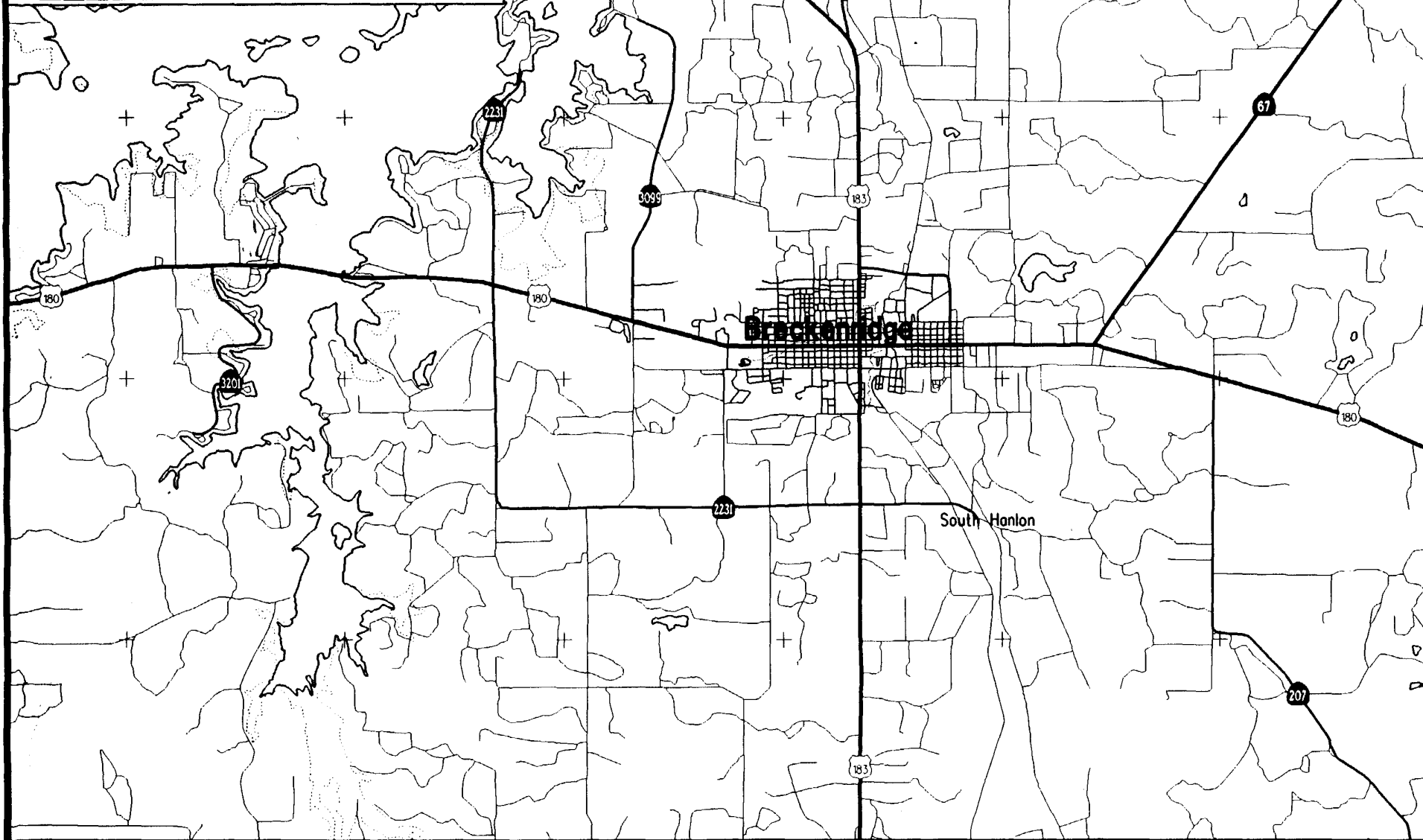
KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California



Lambert Azimuthal Equal-Area

5' 00" Graticule Spacing

CENTER OF MAP:

N LAT 32° 45' 44.00"

W LON 98° 57' 43.00"

Scale 1 : 207,148

FIGURE 4

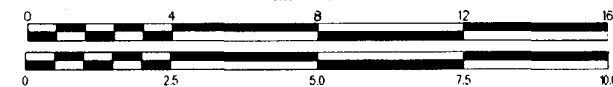
PERMISSIBLE AREA TO LOCATE

FM CHANNEL 261A

BRECKENRIDGE, TEXAS

BRECKENRIDGE RADIO BROADCASTING CO.

KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES

Telecommunications Engineers
Hollywood Hills, California

CHANNEL 261A ALLOTMENT REFERENCE SITE

Fully-Spaced Area

For Channel 261A